

Short Title: GSC Holographic Wills/~~Remove~~ Location Reqmt.

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE LOCATION REQUIREMENT FOR HOLOGRAPHIC WILLS
TO ALIGN NORTH CAROLINA WITH ALL OTHER STATES RECOGNIZING
HOLOGRAPHIC WILLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 28A-2A-9 reads as rewritten:

"§ 28A-2A-9. Manner of probate of holographic will.

A holographic will may be probated only ~~in the following manner: (1) Upon~~ upon the testimony of at least three competent witnesses that they believe that the will is written entirely in the handwriting of the person whose will it purports to be, and that the name of the testator as written in or on, or subscribed to, the will is in the handwriting of the person whose will it purports to be; and be.

~~(2) Upon the testimony of one witness who may, but need not be, one of the witnesses referred to in subdivision (1) of this section to a statement of facts showing that the will was found after the testator's death as required by G.S. 31-3.4."~~

SECTION 2. G.S. 31-3.4 reads as rewritten:

"§ 31-3.4. Holographic will.

(a) A holographic will is a will that meets all of the following requirements:

(1) Written entirely in the handwriting of the testator but when all the words appearing on a paper in the handwriting of the testator are sufficient to constitute a valid holographic will, the fact that other words or printed matter appear thereon not in the handwriting of the testator, and not affecting the

1 meaning of the words in ~~such~~ the handwriting, shall not affect the validity of
2 ~~the will, and~~ will.

3 (2) Subscribed by the testator, or with the testator's name written in or on the will
4 in the testator's own ~~handwriting, and~~ handwriting.

5 (3) ~~Found after the testator's death among the testator's valuable papers or effects,~~
6 ~~or in a safe deposit box or other safe place where it was deposited by the~~
7 ~~testator or under the testator's authority, or in the possession or custody of~~
8 ~~some person with whom, or some firm or corporation with which, it was~~
9 ~~deposited by the testator or under the testator's authority for safekeeping.~~

10 (b) No attesting witness to a holographic will is required."

11 **SECTION 3.** This act [becomes effective July 1, 2021,] [is effective when it becomes

12 law] and applies to estates of decedents dying on or after that date.